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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/798,776	
	Filing Date	March 10, 2004	
	First Named Inventor	Thomas J. FOGARTY	
	Art Unit	3736	
	Examiner Name	S. Gilbert	
Total Number of Pages in This Submission	7	Attorney Docket Number	399242000401

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply (Preliminary) - 6 pages <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP (Customer No. 25226)		
Signature			
Printed name	Mika Mayer		
Date	May 10, 2005	Reg. No.	47,777

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Signature:

Patricia M. Ellison
(Patricia M. Ellison)

Docket No.: 399242000401
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Thomas J. FOGARTY et al.

Application No.: 10/798,776

Confirmation No.: 6449

Filed: March 10, 2004

Art Unit: 3736

For: IMPROVED DEVICE FOR ACCURATELY
MARKING TISSUE

Examiner: S. Gilbert

PRELIMINARY AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

Prior to examination on the merits, Applicants respectfully request entry on this Preliminary Amendment for the above-captioned patent application. Amendments to the claims are reflected in the Listing of Claims, which begins on page 2. The Remarks begin on page 5.